

Division of Workforce Development Funding – Vocational Education

Title	Secondary Vocational Programs (Section 131) Postsecondary Adult Vocational Programs (Section 132)
Purpose	To develop more fully the academic, vocational, and technical skills of secondary and postsecondary students who elect to enroll in vocational and technical education programs.
Target Audience	Qualifying secondary and postsecondary vocational students
Authorization	Carl D. Perkins Vocational and Technical Education Act of 1998, Public Law 105-332
Project Amount	Funds allocated by formula
Eligible Applicants	School districts Community colleges Public universities Florida School for the Deaf and the Blind
Application Due Date	May 31, 2000
Entitlement/Discretionary	Entitlement
State/Federal Funds	Federal
Contact	Dorothy Bouie, Ph.D. Phone: (850) 487-0603, SC 277-0603 Fax: (850) 487-6259, SC 277-6259 E-mail: bouied@ mail.doe.state.fl.us

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998

OVERVIEW

The 1998 legislation amends the existing Carl D. Perkins Vocational and Applied Technology Education Act of 1990. The 1998 Amendments are entitled, “The Carl D. Perkins Vocational and Technical Education Act of 1998.” Accordingly, the reference to “applied technology” is dropped and the term “technical education” is inserted.

Purpose

The purpose section of the new Act is significantly rewritten from the 1990 Act and expands upon the purposes contained in the 1990 Act. The purpose of the new Act is to more fully develop the academic, vocational, and technical skills of secondary and postsecondary students *who elect to enroll* in vocational and technical education programs.

The emphasis is two-fold. First, the legislation emphasizes academic, vocational, and technical skills, and, second, it places a new emphasis on those who “elect to enroll in vocational and technical education.” This emphasis on “*elect to enroll*” underscores the legislative intent of providing a choice to students. This focus on “*choice*” is in contrast to the legislative perception that the School-to-Work Opportunities Act denies a “choice.”

The purpose of the 1998 Act will be principally achieved by:

1. building on the efforts of states and localities to develop challenging academic standards
2. promoting the development of services and activities that integrate academic, vocational, and technical instruction, and that link secondary and postsecondary education to participating vocational and technical education students
3. increasing state and local flexibility and providing services and activities designed to develop, implement, and improve vocational and technical education, including Tech Prep education
4. disseminating national research, and providing professional development and technical assistance that will improve vocational and technical education programs, services, and activities.

Funding Cycle

For the period beginning July 1, 2000, states will operate the vocational education activities under either a four-year state plan or a unified plan called for by the Workforce Investment Act

of 1998. Alternatively, states could have submitted a five-year plan or a five-year unified plan. Florida submitted a one-year transition plan and is submitting a four-year State Plan by April 2000.

State Leadership/Corrections/Equity

No more than 10% of the Basic Grant may be used to carry out state leadership activities. From this reserve for state leadership activities, the state shall determine “an amount equal to not more than one percent to serve individuals in state correctional institutions. This leaves the discretion to the state to determine the amount, which can be less but not more than one percent. It should be noted that the dollars earmarked for individuals in correctional institutions must be derived from the 10% set aside for state leadership activities.

Funding for corrections programs for the fiscal year 2000-2001 will be disbursed by the Department of Corrections.

In addition, the state must identify an amount not less than \$60,000, and no more than \$150,000 for services that prepare individuals for nontraditional training and employment. Again, this determination is made by the state and the funds are subtracted from the 10% reserve for state leadership activities. After earmarking an amount for corrections and nontraditional training, the balance of the 10% is available for state leadership activities.

State Administration

The Florida Department of Education must also earmark no more than five percent, or \$250,000, whichever is greater, for administration of the state plan. This five percent reserve for state administration must be used for the cost of developing the state plan, reviewing local plans, monitoring and evaluating program effectiveness, assuring compliance with all applicable federal laws, and providing technical assistance. Any federal dollars earmarked for state administration must be matched dollar-for-dollar from nonfederal sources. Under the 1998 Perkins Act, the principal responsibilities of the state eligible agency include:

1. the coordination of the development, submission, and implementation of the state plan and
2. the evaluation of the program services and activities assisted with federal funds, including preparation for nontraditional training and employment.

Basic Grant Funds Outside the Formula

From the 85% of the funds that must be earmarked for secondary and postsecondary eligible recipients, the state may determine an amount not to exceed 10% of the 85% (e.g., 8.5% of the entire award) to be allocated to local and postsecondary institutions outside of the statutory formula. The state may use this 8.5% for vocational and technical education activities in:

1. rural areas
2. areas with high percentages of vocational and technical education students
3. areas with high numbers of vocational education students
4. communities negatively impacted by the 1998 Act

The state, however, must use the 8.5% funds to serve at least two of the four categories. For FY 2000-2001, Florida will allocate these dollars to rural areas and areas with high percentages of vocational education students. Instructions for submitting these projects are included in this guide.

Accountability

The new Act establishes a state performance accountability system similar to the system developed under the Workforce Investment Act. The state eligible agency establishes performance measures that consist of:

1. core indicators of performance
2. additional indicators of performance
3. state adjusted levels of performance

There are four core indicators of performance:

1. student attainment of challenging state-established ***academic, vocational*** and ***technical*** skill proficiencies
2. student attainment of a secondary school diploma or its recognized equivalent or a proficiency credential in conjunction with a secondary school diploma or a postsecondary degree or credential
3. placement in, retention in, and completion of postsecondary education or advanced training, placement in military service, or placement or retention in employment
4. student participation in and completion of vocational and technical education programs that lead to ***nontraditional*** training and employment.

The state eligible agency may identify additional indicators of performance. However, Florida has decided not to add additional measures. If the state previously developed state performance measures under Section 115 of the 1990 Perkins Act that meet the requirements of the new Act, the state may continue to use those performance measures to evaluate the progress of vocational and technical education students.

The states must include in the state plan “levels of performance” for each of the core indicators. The state will use these performance levels to continually make progress towards improving the performance of vocational and technical education students.

The Secretary of Education and the state eligible agency will reach agreement on the levels of performance for each of the core indicators for the first two years covered by the plan. The Secretary of Education’s role is limited to reaching agreement on the percentage or number of students who attain state-adjusted levels of performance. Prior to the third year covered by the plan, the Secretary of Education and the state will reach agreement on the adjusted levels of performance for the third, fourth and fifth year.

Once adjusted levels of performance are negotiated with the Secretary of Education, the Division of Workforce Development will negotiate performance levels with each provider receiving funds under the Act. As of the publication date of this guide, these required performance levels have not been determined. Instructions to LEAs for addressing the core indicators without baseline and adjusted performance levels are included in this guide.

Improvement Plans

If the Florida Department of Education determines that an eligible recipient is not making substantial progress in achieving the state-adjusted levels of performance, the eligible recipient must enter into an improvement plan. If the Secretary of Education determines that a state eligible agency is not properly implementing the agency’s responsibilities with regard to adjusted levels of performance, the Secretary of Education may impose a sanction to withhold part or all of the state agency’s allotment.

State Leadership Activities

With regard to the amount the state earmarked for state leadership activities, the state must carry out eight *required* activities, and *may* use funds for twelve permissive activities. The state will decide how much support to provide for each of the eight required state leadership activities. Florida has elected to continue to fund the Career and Technical Student Organizations for 2000-2001. Other decisions regarding leadership funds are pending.

Distribution of Funds to Secondary Schools

For the period July 1, 2000, through June 30, 2004, the state must change the formula. Seventy percent of the funds will be allocated based on poverty, and the other 30% will be based on the number of individuals 15 to 19 years old who reside in the school district served by the local

education agency. State eligible agencies may submit waivers for a more equitable distribution formula. The minimum threshold amount for any local educational agency is \$15,000.

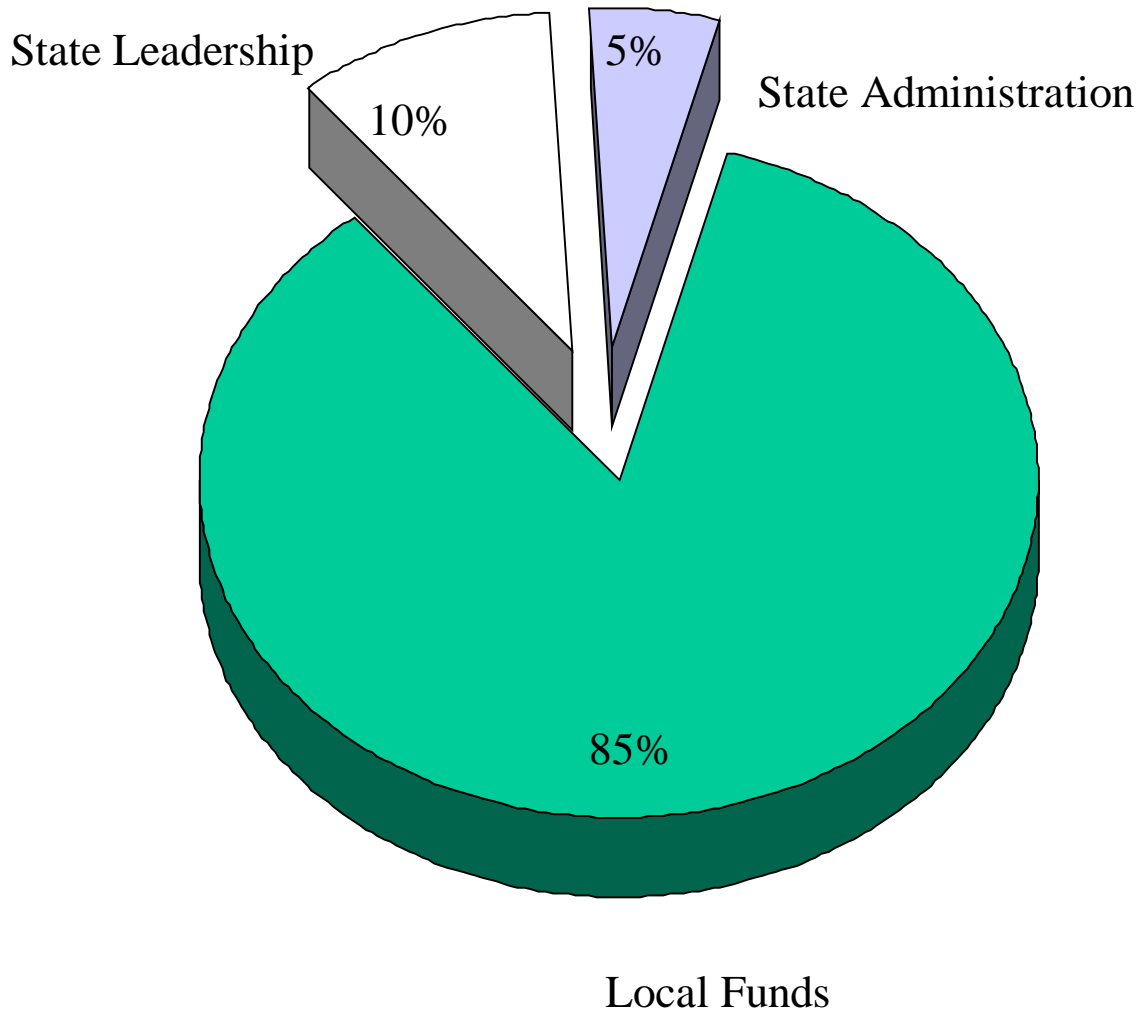
Distribution of Funds for Postsecondary Vocational and Technical Programs

This section of the Act also contains an additional limitation that requires that no provision in Perkins may be construed to permit the development of a national database of personally identifiable information on individuals receiving services under the Act. Florida has historically been approved for an alternate formula and will continue to request a waiver. The Act continues the existing law with regard to distributing funds to postsecondary institutions on the basis of relative Pell counts. The minimum allocation continues to be \$50,000.

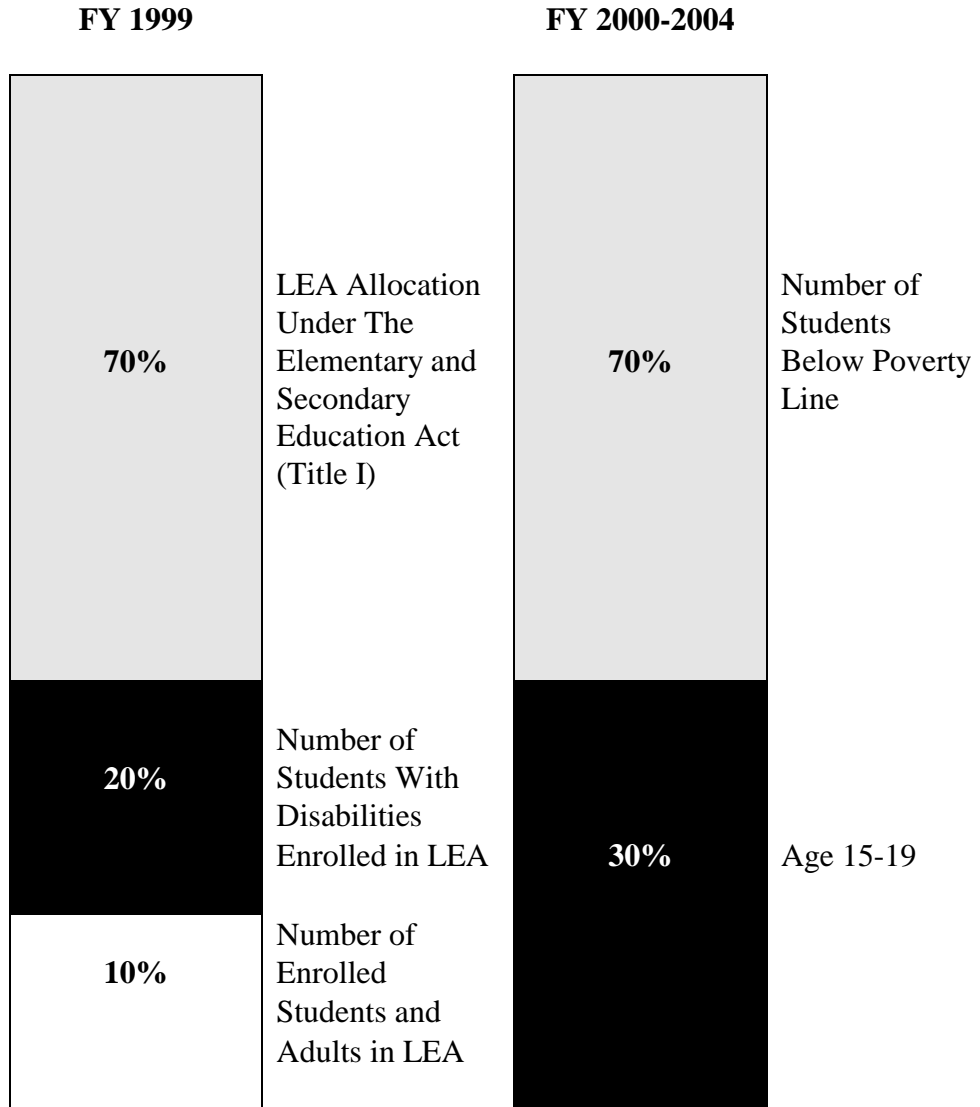
**Title I--Vocational and Technical Education
Assistance to the States**

Part A--Allotment and Allocation

Within State Allocation



Secondary Distribution Formula



Title III

GENERAL PROVISIONS

Part A - Federal Administrative Provisions

Section 331. Fiscal Requirements

Supplement Not Supplant

As in the 1990 Act, provisions are included to prohibit states from using federal funds to replace state and local funds for vocational and technical education and Tech Prep activities.

Maintenance of Effort

The Act uses basically the same “maintenance of effort” language as the 1990 Act to ensure that states continue to provide funding for vocational and technical education programs at least at the level of support of the previous year. The Secretary may grant a waiver of up to 5% for exceptional or uncontrollable circumstances (such as a natural disaster or a dramatic financial decline) that affect the state’s ability to continue funding at the prior year’s levels.

In two new provisions in the 1998 Act,

- a state will be permitted to reduce the amount of state and local funding proportionate to federal reductions in support
- the Secretary is required to omit from the computation of how much a state must expend in order to “maintain its effort” special one-time expenditures within a state, such as capital expenditures and pilot projects.

Section 312. Authority to make payments

This section states that any authority to make payments or enter into contracts under this Act will be limited to amounts as are provided in advance in appropriations acts.

Section 313. Construction

This section states that there will be no federal control over any aspect of private, religious or home schools, regardless of whether a home school is treated as private or public under the law.

This section ensures that no student attending such a school will be excluded from participation in activities funded under this Act on the basis of the provisions of this Act. Therefore, state and local decision-making about such students' participation in public school activities, including vocational and technical education, will not be overruled by any provision in this Act.

Section 314. Voluntary selection and participation

No funds under this Act may be used to require secondary school students to choose or pursue a specific career path or major. Also prohibited is any mandate that any individual participate in a vocational and technical education program, including a program that requires the attainment of a federally-funded skill level, standard or certificate of mastery.

Section 315. Limitation for certain students

No funds may be used to provide vocational and technical education programs prior to the seventh grade. However, students below grade seventh are not prohibited from using equipment and facilities purchased with funds under this Act.

Section 316. Federal laws guaranteeing civil rights

This section states that nothing in the Act will be construed to be inconsistent with applicable federal law prohibiting discrimination on the basis of race, color, sex, national origin, age or disability in the provision of federal programs or services.

Section 317. Authorization of Secretary

The Secretary is authorized to receive and use funds collected by the federal government from fees for the use of property, rights-of-way and easements under the control of federal departments and agencies for the placement of telecommunications services that are dependent upon the utilization of general spectrum rights. The funds collected must be used to expand the use of technology in vocational and technical instruction.

Section 318. Participation of private school personnel

At the discretion of the eligible agencies or recipients, this section allows vocational and technical educators at nonprofit private institutions to participate in professional development activities located in the geographic area served by the agency or recipient.

Part B—State Administrative Provisions

Section 321. Joint funding

As in the 1990 Act, eligible agencies may provide additional funds, not including matching funds, under an applicable program that:

- Meets the requirements of the Act and the applicable program.
- Serves the same individuals that are served under this Act.
- Provides services in a coordinated manner with services provided under this Act.
- Uses funds to supplement, not supplant, funds provided from non-federal sources.

The term “applicable program” means any program under Chapters 4 and 5 of Subtitle B of Title I of the Workforce Investment Act and the Wagner-Peyser Act.

Section 322. Prohibition on use of funds to induce out-of-state relocation of businesses

The section states that no funds provided under this Act will be used to provide incentives or inducements to an employer to relocate a business enterprise from one state to another state if it results in a reduction in the number of jobs available in the state where the business enterprise is located.

Section 323. State administrative costs

This section continues the requirement that state administrative funds must be equal to the amount provided by the state in the previous year. In the 1998 Act, however, is an additional provision that states that if the federal amount is reduced, the state may reduce its expenditure by the same percentage.

Section 324. Limitation on federal regulations

The secretary may issue regulations only to administer and ensure compliance with the specific requirements of the Act.

Section 325. Student assistance and other federal programs

This section stipulates that any funds under this Act that are provided to a student for the purpose of meeting attendance costs for a program will not count as income for that student for the purposes of the student’s eligibility for other financial assistance from federally supported

sources. In addition, it permits the use of funds provided under the Act for meeting the costs of vocational and technical education services required in the individualized education plans of students with disabilities pursuant to Section 1414(d) of the Individuals with Disabilities Education Act as well as services necessary to meet Section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to vocational and technical education.

Section 5—Privacy

Nothing in the Perkins Act may be construed to supersede the privacy protections afforded to parents and students in the General Education Provisions Act. Generally, records of students cannot be released to the public without the authorization of parents.